

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Juan Luis Benitez-Vargas	RECEIVED CENTRAL FAX CENTER JUL 07 2006
Serial	: 09/877,541 <i>should be 09/877,641</i>	
Filing Date	: June 8, 2001	
For	: COMMUNICATION SYSTEM	
Docket No.	:	

REQUEST FOR STATUS UPDATE

ATTN: KAREN CREASY
Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER
IS BEING SENT VIA TELEFACSIMILE TO
THE COMMISSIONER FOR PATENTS, 571-
273-8300. (12 pages total), THIS
7th DAY OF July, 2006.
[Signature]
PATENT ATTORNEY

In response to the Decision on Petition mailed on May 25, 2005, Applicant filed, on July 22, 2005, a revised Petition enclosing the amount required by the U.S. Patent and Trademark Office. Pursuant to a telephone conference with the Patent Office on January 23, 2006, Applicant was informed that the documents were not received. Applicant filed a Request for Status Update on January 26, 2006. To date, Applicant has not heard further from the U.S. Patent and Trademark Office. Applicant hereby encloses the following:

1. Copy of the first Request for Status Update;
2. Copy of stamped return Postcard;
3. Copy of the Petition filed on July 22, 2005;
4. Copy of canceled check # 2155 in the amount of \$ 85.00;
5. Copy of Power of Attorney and Correspondence Address Indication Form;
6. Copy of Decision on Petition; and
7. Copy of stamped return Postcard.

Applicant hereby respectfully requests that the Notice of Abandonment be withdrawn and that the present application proceed to examination.

RECEIVED

JUL 18 2006

OFFICE OF PETITIONS

RECEIVED
CENTRAL FAX CENTER

JUL 07 2006

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance.
Consideration and allowance of the claims are respectfully requested.

Respectfully submitted,

JUAN LUIS BENITEZ-VARGAS

By: 

Emery L. Tracy, Reg. No. 34,081
P.O. Box 1518
Boulder, Colorado 80306
Phone: (303) 443-1143 Fax: (303) 443-1415

JUL 18 2006

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Juan Luis Benitez-Vargas	RECEIVED CENTRAL FAX CENTER JUL 07 2006
Serial	: 09/877,541	
Filing Date	: June 8, 2001	
For	: COMMUNICATION SYSTEM	
Docket No.	:	

REQUEST FOR STATUS UPDATE

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER
IS BEING SENT BY U.S. MAIL, FIRST
CLASS, TO THE COMMISSIONER FOR
PATENTS, P.O. BOX 1450,
ALEXANDRIA, VIRGINIA 22313-1450.
THIS
26th DAY OF January, 2006.
2 L57
PATENT ATTORNEY

In response to the Decision on Petition mailed on May 25, 2005, Applicant filed, on July 22, 2005, a revised Petition enclosing the amount required by the U.S. Patent and Trademark Office. To date, Applicant has not heard further from the U.S. Patent and Trademark Office. Applicant hereby encloses the following:

1. Copy of the Petition filed on July 22, 2005
2. Copy of canceled check # 2155 in the amount of \$ 85.00;
3. Copy of Power of Attorney and Correspondence Address Indication Form;
4. Copy of Decision on Petition;
5. Copy of stamped return Postcard; and
6. Postcard

Applicant hereby respectfully requests that the Notice of Abandonment be withdrawn and that the present application proceed to examination.

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance.
Consideration and allowance of the claims are respectfully requested.

Respectfully submitted,

JUAN LUIS BENITEZ-VARGAS

By: 

Emery L. Tracy, Reg. No. 34,081
P.O. Box 1518
Boulder, Colorado 80306
Phone: (303) 443-1143 Fax: (303) 443-1415

RECEIVED

JUL 18 2006

OFFICE OF PETITIONSApplicant: **Juan Luis Benitez-Vargas**For: **COMMUNICATION SYSTEM**Serial No.: **09/877,641**Filing Date: **June 8, 2001**

Please date stamp and return to acknowledge your receipt of the following documents filed on ~~July 22, 2005~~, including:

January 26, 2006

- ☒ Copy of the Petition filed on July 22, 2005
- ☒ Copy of canceled check # 2155 in the amount of \$ 85.00
- ☒ Copy of Power of Attorney and Correspondence Address Indication Form
- ☒ Copy of Decision on Petition
- ☒ Copy of stamped return Postcard

#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Juan Luis Benitez-Vargas	RECEIVED CENTRAL FAX CENTER JUL 07 2006
Serial :	09/877,541	
Filing Date :	June 8, 2001	
For :	COMMUNICATION SYSTEM	
Docket No. :		

PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER
IS BEING SENT BY U.S. MAIL, FIRST
CLASS, TO THE COMMISSIONER FOR
PATENTS, P.O. BOX 1450,
ALEXANDRIA, VIRGINIA 22313-1450,
THIS
22nd DAY OF July, 2005.
E. L. Tracy
PATENT ATTORNEY

In response to the Decision on Petition mailed on May 25, 2005, which dismissed the Petition filed on December 30, 2004, please find enclosed the following:

1. Check # 2155 in the amount of \$ 85.00;
2. Power of Attorney and Correspondence Address Indication Form; and
3. Postcard

In the Decision, the U.S. Patent and Trademark Office stated that the Petition fee was lacking. With the Petition filed on December 30, 2004, the attorney of record submitted a check in the amount of \$ 665.00. Applicant now includes the remainder of the fee in the amount of \$ 85.00. Therefore, Applicant respectfully requests that the Notice of Abandonment be withdrawn and that the present application proceed to examination.

If additional fees are required, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the filing fees to my deposit account #50-2084. A duplicate of this Petition is enclosed.

RECEIVED
JUL 18 2006
OFFICE OF PETITIONS

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance.
Consideration and allowance of the claims are respectfully requested.

Respectfully submitted,

JUAN LUIS BENITEZ-VARGAS

By: 

Emery L. Tracy, Reg. No. 34,081
P.O. Box 1518
Boulder, Colorado 80306
Phone: (303) 443-1143 Fax: (303) 443-1415

RECEIVED

JUL 18 2006

OFFICE OF PETITIONS

1/26/2006 7:37 AM



View Check Copy

Check Number	2155	Date Posted	08/03/05	Check Amount	\$85.00	Account Number	BUSINESS CHECKING 182-8103xx
--------------	------	-------------	----------	--------------	---------	----------------	------------------------------

EMERY L TRACY
Trust Account
P.O. BOX 198
BOULDER, CO 80502

2155 07/22/05

Eighty-five and 00/100 \$85.00

WELLS FARGO BANK WEST, N.A.
BOULDER, CO 80502

PAID 222

⑆102000076⑆ 1828103014⑆2155 ⑈0000008500⑈

PATENT AND TRADEMARK OFFICE
43-15-0001
07-29-2005
FOR CREDIT TO THE
U.S. TREASURY

10312007304
NOV 14 2005
FILA, PA 19120-0001

NOV 14 2005
FILA, PA 19120-0001
6677411577

© 1995 - 2005 Wells Fargo. All rights reserved.

JUL 18 2006

OFFICE OF PETITIONS

PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	09/877,641
Filing Date	6/8/01
First Named Inventor	Juan Luis Benitez-Vargas
Title	Communication System
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Emery L. Tracy	34,081

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Emery L. Tracy				
Address	P.O. Box 1518				
Address					
City	Boulder	State	CO	Zip	80306
Country	USA				
Telephone	303-443-1143	Fax	303-443-1415		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)

SIGNATURE of Applicant or Assignee of Record

Name	JUAN LUIS BENITEZ-VARGAS		
Signature	[Signature]		
Date	07/05/06	Telephone	303-653-6952

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

JUL 07 2006

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 6

MATTHEW J. PEIRCE
1550 STARLIGHT CANYON AVENUE
LAS VEGAS NV 89123

FAX RECEIVED

MAY 25 2005

In re Application of
Benitez-Vargas
Application No. 09/877,641
Filed: June 8, 2001
Attorney Docket No. None

OFFICE OF PETITIONS
ON PETITION

RECEIVED

JUL 18 2006

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lack(s) item(s) 2.

The current rate at the time of filing the instant petition is \$750 instead of \$665 that was submitted with the petition. Therefore, a total of \$85 (\$750-\$665) is required.

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Application No. 09/877,641

-2-

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
MATTHEW J. PEIRCE
330 S. 3RD ST. #1005
LAS VEGAS, NV 89101

RECEIVED

JUL 18 2006

OFFICE OF PETITIONS

Applicant: **Juan Luis Benitez-Vargas**

For: **COMMUNICATION SYSTEM**

Serial No.: **09/877,641**

Filing Date: **June 8, 2001**

RECEIVED

JUL 26 2005

OFFICE OF PETITIONS

Please date stamp and return to acknowledge your receipt of the following documents filed on July 22, 2005, including:

- ☒ Petition (2 pages) and copy with Certificate of Mailing and Deposit Account Authorization
- ☒ Power of Attorney and correspondence Address Indication Form
- ☒ Check # 2155 in the amount of \$ 85.00

RECEIVED

JUL 18 2006

OFFICE OF PETITIONS